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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,592	11/09/2001	Jouni Maki	017.40629X00	5969
20457	7590	07/08/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			NGUYEN, DONGHAI D	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,592

Applicant(s)

MAKI ET AL. *CR*

Examiner

Donghai D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 23, 2004 has been entered.

Claim Rejections - 35 USC § 112

2. Claims 32-35, 33-40, 44, 46, 50-52, 56-58, and 60-62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "the hinged flip type cover" (claims 32-35 and 50-52, line 2) lacks of antecedent basis. It should be changed to --the hinged flip cover--.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 31, 35-37, 41, 42, 49 and 53-55 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,911,121 to Andrews.

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Regarding claims 31 and 49, Andrews discloses a mobile electronic device (10) and a method of manufacturing mobile electronic devices comprising: providing common engine assemblies (Fig. 1) including electronic components (circuit board 46, etc.) and software contained therein (12, 14, etc.); providing monoblock cover assemblies each including a fixed front cover assembly (44 and Col. 3, lines 23-28) and a mating back cover (42) and flip type cover assemblies each including a front cover (44) having a hinged flip cover (Fig. 8) and a mating back cover (42); and disposing individual provided common engine assemblies including electronic components and software, within individual provided monoblock cover assemblies and disposing individual provided common engine assemblies within individual provided flip cover assemblies to respectively manufacture the mobile electronic devices having a monoblock cover assembly and a flip type cover assembly (Fig. 2).

Regarding claims 35, 36, 53 and 54, Andrews disclose a keypad and the flip cover that covers the keypad upon being closed (See Fig. 2).

Regarding claims 37, 41, 42, and 55, Andrews' mobile electronic device comprising a mobile phone.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 32-34, 38-40, 43-48, 50-52, 56-64, and rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews in view of US Patent 5,867,140 to Rader.

Regarding claims 32-34 and 50-52, Andrews disclose mounting a detector switch on the cover (Col. 5, lines 7-10) and the sensing means to detect the different configuration of the housing (Col. 5, lines 1-5) and connecting the sensing means to the processor (common engine), except the location of the detector switch being mounted on; however, Rader teaches the step of mounting the detector switch (202) on the hinged flip cover (Rader's Fig. 2) for detecting the open and closed positions of the cover (Col. 2, lines 15-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Andrews to mount the detector switch on the hinged flip cover as taught by Rader for detecting the open and closed positions of the cover.

Regarding claims 38-40 and 56-58, Andrews' mobile electronic device comprising a mobile phone.

Regarding claims 43-48 and 59-64, Rader's mobile electronic device comprising a PDA (Col. 1, lines 59-67).

Response to Arguments

7. Applicant's arguments with respect to claims 31-64 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donghai D. Nguyen whose telephone number is (703) 305-7859. The examiner can normally be reached on Monday-Friday (9:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN



A. DEXTER TUGBANG
PRIMARY EXAMINER